

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

UNITED STATES OF AMERICA

VS.

SEDRIC LINDER,

Defendant

NO. 3: 06-CR-39 (CAR)

VIOLATION: FIREARMS RELATED

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), at the time of the defendant's Initial Appearance, a DETENTION HEARING was this day held before the undersigned in the above-captioned case. The defendant was represented by Mr. Kim T. Stephens of the Athens Bar; the United States was represented by Assistant U. S. Attorney Michael T. Solis. Based upon the evidence proffered to the court by counsel for the government and the defendant, and the contents of the Pretrial Service Report dated September 22, 2006, as well as argument of counsel, I conclude that the following facts require the detention of the defendant pending the trial of this case, counsel for the defendant specifically reserving the right to request the court to reopen these proceedings if additional pertinent information is hereafter discovered.

PART I - FINDINGS OF FACT

- (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
 - for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
 - under 18 U.S.C. §924(c).
- (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated September 22, 2006, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the future appearance and the safety of the community were defendant LINDER to be released from custody at this time. The offense charged against the defendant is a serious firearms offense for which he faces long-term imprisonment if convicted; his estimated guideline sentencing range is 100 months to 125 months in prison. The weight of evidence appears to be strong, with the defendant being found in possession of a revolver by law enforcement officers and the defendant admitting that he had purchased that firearm. The defendant is a convicted felon.

Defendant Linder has a lengthy arrest and conviction record, to-wit: he has had numerous arrests since 1998 and has felony convictions for POSSESSION OF COCAINE, 2002, Superior Court of Athens-Clarke County, Georgia and POSSESSION OF COCAINE, 2003, also in the Superior Court of Athens-Clarke County. In addition, he has a conviction for ESCAPE in 2003 in the Superior Court of Athens-Clarke County. The defendant has had numerous probation revocations and convictions for FAILURE TO APPEAR. He currently has pending in Athens-Clarke County a charge of ROBBERY for which he has not made bond.

For the foregoing reasons, pretrial detention is mandated. IT IS SO ORDERED.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 26th day of SEPTEMBER, 2006.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr."

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE